

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALFRED MONTEZ,
Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., et al.,
Defendants.

Case No. [5:16-cv-03351-EJD](#)

ORDER TO SHOW CAUSE

On June 15, 2016, Plaintiff Alfred Montez ("Plaintiff") filed the Complaint underlying this action. To date, however, the docket does not contain a proof of service or waiver of service for Defendant Flurish, Inc., and Flurish has not appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The 90-day period for service provided by Rule 4(m) expired on September 13, 2016. Accordingly, the court issues the instant Order to Show Cause why Flurish should not be dismissed without prejudice for lack of service. If Plaintiff does not, no later than **November 1, 2016**, either: (1) file documents to show proof of service of the Summons and Complaint on

1 Flurish; or (2) explain in writing why service has not been accomplished and why Flurish should
2 not be dismissed, the court will so order.

3 No hearing will be held on the order to show cause unless otherwise ordered by the court.

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5 **IT IS SO ORDERED.**

6 Dated: October 27, 2016

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8 EDWARD J. DAVILA
United States District Judge

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